

Message Text

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PAGE 01 GENEVA 02342 171726 Z

51 42

ACTION L-03

INFO OCT-01 IO-12 ADP-00 RSR-01 AF-10 ARA-11 EA-11 EUR-25

NEA-10 RSC-01 ACDA-19 SAJ-01 SSO-00 CIAE-00 DODE-00

PM-09 H-02 INR-10 NSAE-00 NSC-10 PA-03 PRS-01 SS-15

USIE-00 NSCE-00 INRE-00 GAC-01 TRSE-00 MBFR-03 /159 W
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O R 171103 Z MAY 73

FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 9372

INFO USMISSION USUN NEW YORK

C O N F I D E N T I A L GENEVA 2342

C O R R E C T E D C O P Y (M R N 2342 VICE 2442)

E. O. 11652: GDS

TAGS: PFOR, UN

SUBJECT: DEFINITION OF AGGRESSION COMMITTEE: PRIORITY AND
INTENT

REF: (A) GENEVA 2274; (B) GENEVA 2308

1. IN MEETING PM MAY 16 CG III REACHED SUBSTANTIAL
AGREEMENT ON SLIGHTLY REVISED VERSION OF GUYANAN PROPOSAL
ON PRIORITY AND INTENT, INCLUDING PROPOSED US CHANGES (REF B
PARAS 2 AND 3). WE RESERVED OUR POSITION AND SAID WE
WOULD SEEK INSTRUCTIONS. TEXT AS IT STOOD AT END OF CG
SESSION FOLLOWS: QUOTE THE FIRST USE OF ARMED FORCE IN
CONTRAVENTION OF THE UNITED NATIONS CHARTER SHALL
CONSTITUTE (BEGIN UNDERLINE) PRIMA FACIE (END UNDERLINE)
EVIDENCE OF AN ACT OF AGGRESSION PROVIDED, HOWEVER, THAT
THE SECURITY COUNCIL MAY, IN CONFORMITY WITH ITS POWERS AND
OBLIGATION UNDER THE CHARTER, CONCLUDE THAT A DETERMINATION TO
THAT EFFECT WOULD NOT BE JUSTIFIED IN THE LIGHT OF OTHER RELEVANT
CIRCUMSTANCES, INCLUDING, AS EVIDENCE, THE PURPOSES OF
THE STATES INVOLVED. UNQUOTE
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PAGE 02 GENEVA 02342 171726 Z

2. FRENCH REP (CHAUMONT) TOOK LEAD OF PRO- PRIORITY FORCES, DESCRIBING PROPOSAL AS BALANCED ONE WHICH HE COULD ACCEPT. HOWEVER, IN RETURN FOR INCLUSION OF US LANGUAGE ON PURPOSES, HE SUGGESTED DELETION OF WORD " DELIBERATE" IN FIRST LINE. USSR, EGYPT, (BEGIN UNDERLINE) ET ALL (END UNDERLINE) AGREED PROPOSAL ACCEPTABLE " IN PRINCIPLE."

3. MEXICAN REP REJECTED PROPOSED US CHANGES NAD CONTINUED TO OBJECT TO ANY MENTION OF PURPOSES. ECUADOREAN REP (SITTING IN GROUP FOR FIRST TIME) AT FIRST ANNOUNCED AGREEMENT IN PRINCIPLE TO PROPOSAL, BUT AFTER CONSULTATION WITH MEXICAN, HE AGREED SUPPORT LATTER' S POSITION. CHAIRMAN (BROMS) HELPFULLY POINTED OUT THIS POSITION " UNFAIR" AND WOULD MAKE SOLUTION OF PROBLEM IMPOSSIBLE. MEXICAN HELD HIS GROUND BUT WAS CLEARLY ISOLATED AND CLEARLY ANNOYED AT HIS NON- ALIGNED COLLEAGUES FOR DESERTING HIM.

4. SIX- POWER REPS (US, UK, ITALY) ALL DESCRIBED PROPOSAL AS AN INTERESTING ONE, WHICH MIGHT FORM BASIS OF ACCEPTABLE COMPROMISE. UK AND ITALY JOINED US IN RESERVING THEIR POSITIONS AND ANNOUNCING INTENTION TO SEEK INSTRUCTIONS.

5. CHAIRMAN SUGGESTED PROPOSAL SHOULD INCLUDE CROSS- REFERENCE TO " ARTICLE I" OF DEFINITION (I. E., FIRST PORTION OF DEFINITION, INCLUDING GENERAL DEFINITION AND LIST OF ACTS). HE PROPOSED LANGUAGE ALONG FOLLOWING LINES: " THE FIRST USE OF ARMED FORCE REFERRED TO IN ARTICLE I...." MOST OTHER DELS AGREED SUCH A CROSS- REFERENCE WOULD BE USEFUL. WE POINTED OUT A CROSS- REFERENCE WAS NOT NECESSARY (SINCE ANY FIRST USE OF FORCE IN CONTRAVENTION OF CHARTER WOULD CONSTITUTE (BEGIN UNDERLINE) PRIMA FACIE (END UNDERLINE) EVIDENCE OF AGGRESSION) AND COULD HARDLY BE FORMULATED BEFORE PROPOSED " ARTICLE I" WAS COMPLETED. COMMENT: WE BELIEVE GROUP WILL INSIST ON SOME SORT OF CROSS- REFERENCE, BUT IS RELATIVELY OPEN REGARDING ITS WORDING. AS REPORTED GENEVA 2286, PARA 3, AUSTRALIAN REP HAS PROPOSED LANGUAGE WHICH WOULD MAKE CLEAR THAT LIST OF ACTS IS NOT ALL- INCLUSIVE.

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PAGE 03 GENEVA 02342 171726 Z

WE THEREFORE INTEND TO PROPOSE A CROSS- REFERENCE ALONG FOLLOWING LINES , WHICH WOULD EMPHASIZE THIS OPEN- ENDED NATURE OF " ARTICLE I": " FOR PURPOSES OF THE DETERMINATION REFERRED TO IN ARTICLE I, THE FIRST USE OF ARMED FORCE...."

6. DELEGATION BELIEVES GUYANAN TEXT AN ACCEPTABLE SOLUTION TO PRIORITY/ INTENT PROBLEM. AT NEXT MEETING OF

CG III (AM TUESDAY MAY 22), WE WOULD LIKE BE ABLE
INDICATED OUR SUPPORT OF TEXT CONTAINED PARA. 1, CONTIN-
GENT OF COURSE UPON INCLUSION ACCEPTABLE LANGUAGE ON
INDIRECT USES OF FORCE AND ACCEPTABLE REFERENCE TO OPEN-
ENDED NATURE OF LIST OF ACTS. BASSIN

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